

REMARKS

Claims 17 and 55 have been amended. No claims have been canceled. Claims 1-55 remain pending.

Claim objections

Claims 17 and 55 stand objected to for having informalities. Claims 17 and 55 have been amended to overcome the informality accordingly. Withdrawal of the objection is requested.

Rejections under 35 U.S.C. 103(a)

Claims 1-15, 17-26, 45-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,240, issued to Watanabe in view of U.S. Patent Publication No. 2002/0156866, by Schneider. To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation to modify the reference or combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the combined references must teach or suggest all the claim limitations. MPEP § 2143. Applicant traverses the rejection.

Claim 1 recites an apparatus comprises a display, a first input key, and operating logic associated with the first input key ***to display on the display one or more emoticons for selection by a user, responsive to a selection of the first input key,*** when the apparatus is operating in a text mode (emphasis added).

The cited references failed to teach or suggest at least one claim limitation of claim 1. First, Watanabe discloses a communication scheme where a caller and a receiver communicate intentions through actions taken by self characters (Abstract). Watanabe discloses transmitting text data, dot pattern data, and image data expressing

a character between a caller and a receiver (Col. 5, lines 29-33). The self character, such as a dog, can be assigned specific actions, such as wiggling tail to express intentions of the caller (Col. 6, lines 23-26). Watanabe not only failed to suggest the employment of emoticon as the Examiner had acknowledged, Watanabe also failed to teach or suggest the required selection process where the selection is made from **a selection list (of the emoticons)**, which is displayed in response to **the selection of a particular key of the apparatus**. Contrarily, Watanabe discloses selecting a character (with "emotion") but does not disclose how such a character (with "emotion") is selected. Watanabe merely discloses a method where in step A2, "a character taking role of the transmitting person to be displayed in the image data and an action of the character are selected" (Col. 6, lines 23-26). However, how such a character is selected is not provided in Watanabe (Col. 6, lines 23-26). Therefore, Watanabe does not provide any suggestion for the selection method recited in claim 1.

Schneider also failed to provide such a suggestion. Schneider discloses a method for requesting a web resource from an identifier such as an emoticon (Abstract). Schneider discloses devices and protocol that translate an emoticon into a location of a computer network, such as the Web (Page 7, para. 0102). Base emoticons are made by typing on a keyboard, and can be modified with different features represent different web addresses (Page 7, para. 0083; Page 8, para. 0108). The features of the emoticons are entered by providing twenty boxes that represent character modifiers for the character image (Page 8, para 0106). Creating different emoticons by typing on a keyboard with alpha numeric (Page 7, para. 0083) does not suggest the required limitations of selecting an emoticon from an emoticon list where

the list is displayed for selection in response to a particular key of the device. Thus, Schneider merely remedy the Watanabe deficiency in the employment of emoticons, but not on the manner the emoticons are selected, in particular, the required manner of "selecting from a list, where the list is displayed for selection in response to a user selection of a particular key of a device".

Therefore, claim 1 is non-obvious and patentable over Watanabe and Schneider combined.

Claims 45 and 52 are similar in form to claim 1, and for at least the reasons stated above with respect to claim 1, are not obvious over Watanabe in view of Schneider. Claims 2-15, 17-26, 46-51, and 53-58 are each dependent upon one of independent claims 1, 45, and 52 and are patentable for at least the above-stated reasons. Applicant respectfully requests that the rejection to claims 1-15, 17-26, 45-58 be withdrawn.

Allowable subject matter

Claim 16 stands objected to for depending upon a rejected claim. As described above, claim 1 is not obvious over Watanabe in view of Schneider. Therefore, Applicant respectfully requests that the objection to claim 16 be withdrawn.

Allowed claims


Claims 27-44, and 59-64 have been allowed. Applicant thanks the Examiner for allowing these claims.

Conclusion

Claims 1-16, 17-26, 45-58 are believed to be in condition for allowance joining claims 27-44 and 59-64. Entry of the foregoing remarks is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned regarding any questions or concerns associated with the present matter.

Respectfully submitted,
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